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May 24, 2023

BY ECF AND EMAIL

The Honorable Katherine Polk Failla
United States District Court for the Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

MEMO ENDORSED

Re: In re Tether and Bitfinex Crypto Asset Litigation, No. 19 Civ. 9236 (S.D.N.Y.)

Dear Judge Failla:

We write on behalf of the B/T Defendants to seek permission to file under seal exhibits attached to the B/T Defendants' motion for clarification.

These exhibits, including correspondence between the parties and documents produced in this litigation by the B/T Defendants, contain detailed, highly sensitive information regarding the crypto accounts and/or transactions of the B/T Defendants, their customers, and/or third parties, as well as information regarding the personal crypto trading of certain employees of the B/T Defendants (who are not themselves parties to this case).

As courts have recognized in the analogous context of banking records, "the asserted interests in protecting non-party privacy, proprietary business information, and business records outweigh[] the public's right to access" those materials. *SEC v. Telegram Grp., Inc.*, 2020 WL 3264264, at *6 (S.D.N.Y. June 17, 2020). Thus, courts in this Circuit routinely permit such information to be filed under seal given the "strong privacy interests" at issue. *SEC v. Ripple Labs, Inc.*, 2022 WL 17751466, at *4 (S.D.N.Y. Dec. 19, 2022).

The B/T Defendants therefore respectfully request leave to file Exhibits 1 through 7 under seal.

Respectfully submitted,

/s/ Elliot Greenfield

Application GRANTED.

The Clerk of Court is directed to terminate the pending motion at docket entry 362.

SO ORDERED.

Dated: May 25, 2023
New York, New York

A handwritten signature in blue ink that reads 'Katherine Polk Failla'.

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE